

**Information Services Board Briefing on Policy Waiver Procedure**

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**Presenter**

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**Purpose of Appearance**

To inform the Board of the work underway to clarify and make more visible the procedure for requesting specific waivers to Information Services Board policy.

**Previous ISB Appearance**

This is the first appearance.

**Staff Recommendation to the Board**

Adopt proposed updated waiver policy language.

**Background**

Based on recent requests from agencies and communities of interest, Management of Strategic Technology Division (MOSTD) policy staff is proposing that the current policy language intended to inform agencies about the ISB waiver process be clarified and elevated to a stand alone policy procedure.

The proposed draft language draws on existing language found in *ISB Computing and Telecommunications Architecture Standards - Operating and Database Management Systems (June 2001)*, Policy No: 702-S1.

The goal is to bring visibility to the process by creating a stand-alone procedure that accommodates those "unique and rare circumstances" where an organization may need to seek a specific waiver from ISB Policy. The intent is to maintain the flexibility and broad applicability of existing language while clarifying expectations about process.

Proposed draft language has been circulated to agency stakeholders for comment and review. Key elements of the proposed procedure and existing process are:

- The authority for granting waivers to ISB policy resides with the ISB
- The ISB has delegated that authority to the Director of DIS, ISB reserves the right to reverse the Director's decision
- Waivers are granted only in exceptional circumstances where potential risk to the state enterprise is fully mitigated
- ISB Senior IT Consultants are agencies' point of contact for initiating a waiver request
- MOSTD staff will work with appropriate communities of interest to formulate recommendations to the DIS Director

Existing waiver language and proposed language for this procedure are attached. Revisions were made to the original draft based on comments received during the comment and review period.

**Existing Waiver Process Language:**

Excerpt from *ISB Computing and Telecommunications Architecture Standards - Operating and Database Management Systems (June 2001)*, Policy No: 702-S1. Pages 7 – 8.

**Standards Exception Procedure**

The architectural standards for information technology will be implemented over time through the state information technology planning, acquisition and feasibility study policies and processes. The Information Services Board delegates no agency authority for information technology acquisitions that deviate from the architectural standards.

**Waivers**

Any information technology acquisition that deviates from the architectural standards requires DIS review and approval. DIS will submit to the ISB for review, those acquisitions that both deviate from the architectural standard and have multiagency or statewide impact.

Requests for waivers must be:

- In writing;
- Signed by the top executive of the agency;
- Co-signed by the information technology manager; and
- Include a written business case justification.

Guiding principles to be used in the consideration of potential waivers include:

- Minimization of risk;
- Use of mainstream technology;
- Protection of investments in software and technical skills; and
- Improvement of connectivity.

Situations that may lead to waivers include:

- Federal restrictions when funding of the acquisition is predominantly federal;
- Legislative or regulatory mandates that require exceptional measures;
- The standard would preclude the ability to transfer a system from another organization;
- Upgrades to the installed base of existing systems.

However, waivers shall generally be granted only if:

- Compliance with the standard would adversely affect the ability of the agency to accomplish mission critical functions; or
- Compliance would cause a major adverse financial impact on the agency that is not offset by statewide savings.

**Proposed new Waiver Process Language**  
**Process for Requesting Specific Waiver from ISB Policy, Final Draft – v1.4**  
***January 4, 2004***

**Authority for Granting Waivers to ISB Policy**

The authority for granting waivers to Information Services Board (ISB) policy resides with the ISB. The ISB delegates authority to grant specific waivers to ISB policy to the Director of the Department of Information Services (DIS) or, his or her designee. This waiver process does not supercede existing ISB exceptions incorporated in ISB policy.

**Waiver Process**

The ISB policy waiver process exists to accommodate those unique and rare circumstances where agencies have a strong business case for implementing information technology components that are non-compliant with ISB policy. Request for specific waivers are to be submitted to the DIS Director through the DIS Senior Technology Management Consultants.

Agencies will consult with their respective Senior Technology Management Consultant to determine appropriate business case content for the waiver request. ISB staff will work with ISB committees or other selected stakeholder groups to formulate approval or denial recommendations for consideration by the DIS Director.

The Director may, depending on the nature of the request for waiver, choose to consult technical experts or standing or ad hoc committees, which would be helpful in determining the merits of the request. If the waiver is granted, the Director may specify waiver conditions including, but not limited to; the time limit of the waiver and/or a periodic review cycle.

Requests for specific waivers must be:

- Submitted to DIS Senior Technology Management Consultant in writing;
- Signed by the chief executive of the agency or their designee;
- Supported by a written business case justification that at a minimum includes:
  1. Citation of the policy or standard from which the agency is seeking a waiver.
  2. A description of the waiver that is being sought including technical details.
  3. An explanation of why the waiver is needed and the consequences the agency will suffer if the waiver is not approved.
  4. Identification of a risk mitigation strategy and a plan to deal with potential issues caused by the non-compliant approach.

**Waiver Conditions**

Waivers may be granted only if:

- Compliance would adversely affect the ability of the requesting agency to accomplish a function critical to the agency; or
- Compliance would cause a major adverse financial impact on the requesting agency that is not offset by statewide savings.

Examples of unique situations that may lead to waivers include:

- Federal funding restrictions;
- Legislative or regulatory mandates that require exceptional measures;
- Transfers of non-compliant technologies from other organizations or jurisdictions.

**General Criteria for Waiver Review**

Requests for waivers will be measured against the following criteria:

- Security. The requested waiver does not create increased security exposure.
- Risk. The requested waiver does not significantly increase the agency's risk of loss or failure.
- Interoperability. The requested waiver does not degrade potential connectivity or interoperability.
- Economy. The financial benefits of the requested waiver exceed its costs, and it protects investments in technology and technical skills.
- Public Safety. The requested waiver does not increase risk to citizens.

**Requests for ISB Review**

An agency may request a review by the ISB within five business days from the date the waiver is denied by the DIS Director. The review request will be presented in writing through the DIS Deputy Director of the Management of Oversight and Strategic Technologies Division (MOSTD). The request must state why the DIS Director's decision should be reversed. The ISB will review the request in a timely manner and the decision of the ISB is final.